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6 **United States District Court**
7 **for the Central District of California**
8

9) **CASE NO.**
10)
11 **Plaintiff(s),**) **CRIMINAL MOTION AND**
12 **v.**) **TRIAL ORDER**
13)
14 **Defendant(s).**)
15 _____)
16 —)

17 The above matter is set for trial before the Honorable Audrey B. Collins, Courtroom
18 680, Roybal Federal Building.

19 **MOTIONS**

- 20 1. Pre-Trial motions shall be filed on _____. (Monday preceding five
21 weeks before trial).
22 2. Oppositions shall be filed on _____. (Monday preceding four weeks
23 before trial).
24 3. Replies shall be filed on _____. (Monday preceding three weeks
25 before trial)
26 4. Hearing and Pre-Trial Conference are set for Monday at _____. (Monday
27 preceding two weeks before trial).
28 5. Trial is set for Tuesday at 8:30 a.m.

6. ***All pleadings shall be served personally on opposing counsel or faxed to opposing counsel no later than 4:30 p.m. on the day of filing. Two sets of courtesy copies must be delivered directly to chambers by 12:00 p.m. (noon) of the court day following the e filing of any document.***

DISCOVERY & NOTICE

7. Counsel for the government and counsel for defendant shall comply promptly with discovery and notice matters pursuant to Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16.

TRIAL PREPARATION

8. Counsel shall arrive at the Courtroom not later than 8:30 a.m. on the first day of trial.

9. Counsel for the Government shall present the Courtroom Deputy Clerk with the following documents:

- a. THREE copies of the Government's witness list;
- b. THREE copies of the Government's exhibit list in the form specified in Local Civil Rule 16-5;
- c. ALL of the Government's exhibits, with official exhibit tags attached, bearing the same number shown on the exhibit list, shall be delivered to the Clerk not later than 8:30 a.m. on the first day of trial. (Defendant's counsel does not have to deliver his or her exhibits to the Clerk on the first day of trial; however, Defendant's counsel is responsible for affixing completed exhibit tags with the case name and case number to the exhibits to be used in the Defendant's case.) Exhibits shall be numbered 1,2,3,4, etc. If a blow up is an enlargement of an existing exhibit, it shall be designated with the number of the original exhibit

1 followed an "A". Counsel for the government should be aware that the Court will
2 order that exhibits such as firearms, narcotics, etc., remain in the custody of the
3 agents during the pendency of the trial. The agent will be required to sign the
4 appropriate form in order to take custody of such exhibits. It shall be the
5 responsibility of the agents to produce said items for court, secure them at night
6 and guard them at all times while in the courtroom. Exhibit tags can be obtained
7 from the receptionist in the main clerk's office, Room G-8; and
8

- 9 d. A bench book containing a copy of all exhibits that can be reproduced. Each
10 exhibit shall be tabbed with the exhibit number for easy referral. (Defendant's
11 counsel shall provide the Court with a copy of defendant's exhibits as
12 introduced).
13

14 10. If counsel need to arrange for the installation of their own additional equipment, such as
15 video monitors, overhead projectors, etc., notify the Courtroom Clerk no later than 4:30 p.m.
16 two days BEFORE trial so that the necessary arrangement may be made.
17

18 11. Trial days are Tuesday through Friday 9:00 a.m. to 4:30 p.m. with a morning and
19 afternoon break and a lunch recess from approximately 12:00 p.m. to 1:15 p.m.
20

21 12. Before trial commences, the Court will give counsel an opportunity to discuss
22 administrative matters and anticipated procedural or legal problems. During the trial, if there
23 are any matters you wish to discuss, please inform my Courtroom Clerk.
24

25 **JURY INSTRUCTIONS & VERDICT FORMS**

26 13. Jury instructions in the form described below in paragraph 14 are to be submitted not
27 later than the Tuesday of the week prior to trial. Counsel need only submit proposed
28 SUBSTANTIVE instructions. The Court will propound its own general instructions and will

essentially follow the format set out in the Manual of Model Criminal Jury Instructions for the Ninth Circuit (West Publishing 2003 edition). If a special verdict is desired, counsel shall submit a proposed verdict form with the jury instructions.

14. The parties must submit JOINT jury instructions and a JOINT proposed verdict form (if a special verdict is desired). In order to produce these joint instructions, the parties shall meet and confer sufficiently in advance of the required submission date with the goal of agreeing upon instructions and verdict forms. The jury instructions shall be submitted as follows: 1) JOINT jury instructions, those instructions which are agreed to by all parties; and 2) DISPUTED jury instructions, those instructions propounded by a party to which another party objects. Objections to disputed instructions shall be filed no later than the Friday before the trial. Each requested jury instruction shall be numbered and set forth in full on a separate page, citing the authority or source of the requested instruction.

15. The Court prefers Counsel to use the instructions from the Manual of Model Criminal Jury Instructions for the Ninth Circuit, West Publishing Co., 2003 edition. Another suggested sources is Federal Jury Practice and Instructions, Devitt, Blackmar Wolff and O'Malley, West Publishing Co., 4th edition.

16. An index page shall accompany all jury instructions that are submitted to the Court. The index page shall indicate the following:

- a. The number of the instruction;
- b. A brief title of the instruction;
- c. The source of the instruction; and
- d. The page number of the instruction.

EXAMPLE:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
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2
3 If Counsel prepared the jury instructions using WordPerfect Office x3, counsel shall provide to
4 the Court a CD-Rom containing the proposed instructions along with the hard copy.
5

6 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

7 17. Counsel shall not refer to their clients by their first names during trials.
8

9 18. Avoid discussing the law or arguing the case in opening statements.
10

11 19. When objecting, state only that you are objecting and the legal ground of the objection,
12 e.g., hearsay, irrelevant, etc. If you wish to argue an objection, ask for permission to do so
13 outside of the hearing of the jury.
14

15 20. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle legal and
16 administrative matters outside of the presence of the jury. The trial before the jury will
17 commence promptly at 9:00 a.m. Counsel is urged to anticipate matters which may need
18 discussion or hearing outside of the presence of the jury and to raise them during this period.
19

20 21. Do not approach the clerk or the witness box without the court's permission. Please
21 return to the lectern when your purpose has been accomplished.
22

23 22. Please rise when addressing the Court. In jury cases, please rise when the jury enters or
24 leaves the courtroom.
25

26 23. Address all remarks to the Court. Do not directly address the clerk, the reporter or
27 opposing counsel. If you wish to speak with opposing counsel, ask permission to talk to him or
28 her off the record. All requests for the re-reading of questions or answers, or to have an exhibit

1 placed in front of a witness, shall be addressed to the Court.
2

3 24. Do not make an offer of stipulation unless you have conferred with opposing counsel
4 and have reason to believe the stipulation will be accepted. Any stipulation of fact will require
5 the defendant's personal concurrence and shall be submitted to the Court in writing for
6 approval. A proposed stipulation should be explained to him or her in advance.
7

8 25. While court is in session, do not leave the counsel table to confer with investigators,
9 secretaries, or witnesses in the back of the Courtroom unless permission is granted in advance.
10

11 26. When a party has more than one lawyer, only one may conduct the examination of a
12 given witness and only that same lawyer may handle objections during the testimony of that
13 witness.
14

15 27. If a witness was on the stand at a recess or adjournment, have the witness back on the
16 stand and ready to proceed when Court resumes.
17

18 28. Do not run out of witnesses. If you are out of witnesses and there is more than a brief
19 delay, the Court may deem that you have rested.

20 29. The Court attempts to cooperate with doctors and other professional witnesses and will,
21 except in extraordinary circumstances, accommodate them by permitting them to be put on
22 out of sequence. Anticipate any such possibility and discuss it with opposing counsel. If there
23 is an objection, confer with the Court in advance.
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25 30. Counsel are advised to be on time as the Court starts promptly.
26

27 Date: _____
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AUDREY B. COLLINS
United States District Judge

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